

ATTORNEY'S DOCKET NUMBER: 2003390-0033 (000711-0070)
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| Applicant: | Eric Nadeau <i>et al.</i> | Examiner: | Davis, Ruth A. |
| Serial No.: | 10/587,960 | Art Unit: | 1651 |
| Filing Date: | March 22, 2007 | Conf. No.: | 6652 |
| Title: | USE OF LIVE BACTERIA FOR GROWTH PROMOTION IN ANIMALS | | |

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Madam:

STATEMENT UNDER 37 C.F.R. §§ 1.56, 1.97, AND 1.98

Pursuant to the duty of disclosure under 37 C.F.R §§ 1.56, 1.97 and 1.98, Applicants request consideration of this Information Disclosure Statement.

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08A and PTO/SB08B. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the “References Cited” on any patent to issue therefrom.

This Information Disclosure Statement is filed before the mailing date of a first Office Action on the merits as far as is known to the undersigned (37 CFR 1.97(b)(3)).

In accordance with 37 CFR 1.98(a)(2)(ii), Applicants have not submitted copies of U.S. patents and U.S. patent applications. Applicants submit herewith copies of a foreign patent and non-patent literature in accordance with 37 CFR 1.98(a)(2).

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that any patent, publication or other information referred to therein is “prior art” for this invention unless specifically designated as such.

Attorney Docket No.: 2003390-0033
U.S. Serial No.: 10/587,960

It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 03-1721, under Order No. 2003390-0033.

Respectfully submitted,

Dated: February 18, 2009

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